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In re Application of
JAEGER, Garrit
Application No.: 09/857,909
PCT No.: PCT/EP99/09643
Int. Filing Date: 08 December 1999
Priority Date: 08 December 1998
Attorney Docket No.: 5006810-1
For: BICYCLE HUB

DECISION ON

PETITION UNDER

37 C.F.R. 1.137(b)

Applicant's "Petition for Revival of an Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office on 31 July 2001 is **GRANTED**.

BACKGROUND

On 08 December 1999, applicant filed international application PCT/EP99/09643, which claimed a priority date of 08 December 1998. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 15 June 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 07 July 2000. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 08 June 2001.

On 09 June 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee and a preliminary amendment.

On 27 July 2001, the United States Designated/Elected Office mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that applicant failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

On 31 July 2001, applicant filed a Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b), a declaration, the surcharge for filing the declaration after the thirty months and the petition fee.

DISCUSSION

A petition to revive the present application under 37 C.F.R. 1.137(b) must include the (1)

required reply; (2) the petition fee; (3) a statement that the entire delay in filing the required reply from the due date for reply until the filing of a grantable petition was unintentional; and (4) a terminal disclaimer if the international application was filed before 08 June 1995.

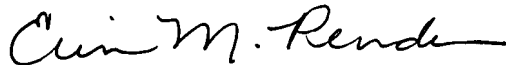
The filing of the basic national fee on 09 June 2001 is accepted as an appropriate response under 37 C.F.R. 1.137(b). Second, applicant submitted the petition fee on 31 July 2001. Third, applicant states in petition, "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." A terminal disclaimer is not required as the international application was filed 08 December 1999.

Thus all the requirements for revival have been satisfied.

CONCLUSION

The petition under 37 C.F.R. 1.137(b) to revive International Application No. PCT/EP99/09643 is hereby **GRANTED**.

The application has an international filing date of 08 December 1999 under 35 U.S.C. §363 and a date of 31 July 2001 under 35 U.S.C. §371. This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.



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